

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 13-_____
)
 LANCELOT KOLLMAN RAMOS, also)
 known as LANCELOT RAMOS and)
 LANCELOT KOLLMAN, an individual,)
)
 Respondent) COMPLAINT

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the “Act”), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(the “Regulations” and “Standards”). Therefore, the Administrator of the Animal and Plant Health Inspection Service (“APHIS”) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Lancelot Kollman Ramos, aka Lancelot Kollman and/or Lancelot Ramos (“Ramos”) is an individual engaged in business as a circus performer, and at all times herein, was operating as an exhibitor and/or dealer, as those terms are defined in the Act and the Regulations. At all times relevant hereto, Ramos’s business location was 12611 Andrews Road, Balm, Florida 33503. Respondent Ramos’s AWA exhibitor’s license (No. 58-C-0816) was revoked, effective October 19, 2009, by order of the Secretary of Agriculture. *In re Octagon Sequence of Eight, Inc., etc., et al.*, 68 Agric. Dec. __ (2009), *aff’d sub nom. Kollman Ramos v. U.S. Dep’t of Agriculture*, 322 Fed. App’x. 814 (11th Cir. 2009)(not selected for publication).¹

¹*In re Lancelot Kollman, also known as Lancelot Ramos*, AWA Docket No. 01-0012. On May 10, 2001, Administrative Law Judge Dorothea A. Baker issued a Consent Decision and Order in which she ordered respondent Ramos to “cease and desist from violating the Act and the Regulations and Standards,” and ordered the “denial of respondent’s application for license under the Act” to remain in effect. Ramos later obtained AWA license number 58-C-0816.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENT'S BUSINESS,
THE GRAVITY OF THE ALLEGED VIOLATIONS,
RESPONDENT'S GOOD FAITH AND RESPONDENT'S COMPLIANCE HISTORY

2. Respondent Ramos has a history of violating the Act and the Regulations. His violations are serious. He has failed to handle animals carefully, and to provide adequate veterinary care, food and housing for them. He has not shown good faith. Respondent Ramos failed to obtain necessary veterinary care for animals in his custody. He has failed to pay the civil penalty assessed in AWA Docket No. 05-0016.

FAILURE TO OBEY CEASE AND DESIST ORDER

3. On May 10, 2001, Administrative Law Judge Dorothea A. Baker issued a Consent Decision and Order in which she ordered respondent Ramos to "cease and desist from violating the Act and the Regulations and Standards." On each of the dates set forth herein, respondent Ramos knowingly failed to obey the cease and desist order made by the Secretary under section 2149(b) of the Act (7 U.S.C. § 2149(b)), in the above-cited case. Therefore, said respondent is subject to a civil penalty of \$1,650 "for each offense, and each day during which such failure continues shall be deemed a separate offense." 7 U.S.C. § 2149(b); 7 C.F.R. § 3.91.

ALLEGED VIOLATIONS

4. On November 7, 2008, while a licensee, respondent verbally abused and harassed APHIS inspectors in the course of their duties, in violation of section 2.4 of the Regulations (9 C.F.R. § 2.4).

5. From October 19, 2009, through on or about November 8, 2010, respondent Ramos operated as a dealer, as that term is defined in the Act and the Regulations, without having been licensed by the Secretary to do so, and specifically, said respondent, in commerce, offered for sale,

delivered for transportation, transported, sold, or negotiated the purchase or sale of tigers, a liger, camels, llamas, and zebras, for use in exhibition, in violation of sections 2134 of the Act (7 U.S.C. § 2134) and sections 2.1(a) and 2.10(c) of the Regulations. 9 C.F.R. §§ 2.1(a), 2.10(c).

6. From on or about June 1, 2008 through on or about October 29, 2008, respondent failed to handle animals as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, and specifically, respondent worked a young (22 years old) male Asian elephant (Ned) who was visibly-emaciated and in compromised health, in respondent's circus animal act, and, while at respondent's premises in Florida, fed Ned an inadequate diet, in violation of section 2.131(b)(1) of the Regulations (9 C.F.R. § 2.131(b)(1)).

7. Between January 10, 2008, and November 7, 2008, respondent failed to provide adequate veterinary care to Ned, and specifically, respondent, having been advised on January 10, 2008, that Ned was underweight and that generally-accepted veterinary practice required monitoring Ned's condition, by, among other things, obtaining regularly-scheduled weights, and documenting same, failed to obtain Ned's weight during that nine-month period of time, and failed to have his attending veterinarian perform additional diagnostic tests to determine the cause of Ned's condition, in violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).²

8. On or about October 29, 2008, respondent failed to provide adequate veterinary care to a two-year-old female tiger, and specifically, the tiger (India) "was observed to be holding up her

²During the November 7, 2008, inspection, the APHIS inspectors determined that Ned was suffering as a result of respondent's failure to comply with the regulations and standards, and served respondent with a notice of intent to confiscate Ned. The respondent failed to correct the conditions, and following an evaluation of Ned by a qualified elephant veterinarian, APHIS confiscated Ned, and transported him to a licensed facility that could provide care for him. At confiscation, Ned was determined to weigh 7260 pounds and to have a body condition of 3.

left front paw, continually licking it and refusing to bear weight on it," while respondent failed to obtain adequate veterinary medical care for her, in violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).

9. On or about October 29, 2008, respondent failed to provide adequate veterinary care to a two-year-old male lion (Saby), and specifically, the lion was exhibiting an abnormal gait, while respondent failed to obtain adequate veterinary medical care for her, in violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).

10. On or about October 29, 2008, respondent failed to have developed, documented, and followed an appropriate plan for the environmental enrichment of two nonhuman primates (capuchins), in violation of section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)) and noncompliance with section 3.81 of the Standards (9 C.F.R. § 3.81).

11. On or about October 29, 2008, through November 7, 2008, respondent failed to feed Ned wholesome, palatable food free from contamination, and of sufficient quantity and nutritive value to maintain the elephant in good health, and failed to prepare a diet with consideration for the animal's condition and size, in violation of section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)) and noncompliance with section 3.129 of the Standards (9 C.F.R. § 3.129).

12. On September 11, 2009, respondent failed to design and construct the animal cargo space of his primary conveyance to protect the health and ensure the safety of the large felids (four tigers and two lions) contained therein, in violation of section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)) and noncompliance with section 3.81 of the Standards (9 C.F.R. § 3.81).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under the Act, this

complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer shall constitute an admission of all the material allegations of this amended complaint.

The Animal and Plant Health Inspection Service requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this matter proceed to oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder, and assessing civil penalties against the respondent both for knowingly disobeying a cease-and-desist order issued by the Secretary and for the violations herein, in accordance with the Act.

Done at Washington, D.C.
this 9th day of May, 2013

[Redacted]
Administrator
Animal and Plant Health Inspection Service

COLLEEN A. CARROLL
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Washington, D.C. 20250-1400
Telephone (202) 720-6430
e-mail: colleen.carroll@ogc.usda.gov